

MEMORANDUM

TO: Richard H. Cate, Commissioner, Vermont Department of Education

FROM: Joel D. Cook, Executive Director/General Counsel, Vermont-NEA

DATE: November 15, 2007

SUBJECT: Governance recommendations pursuant to Act 82, Section 19

Vermont students are the "smartest," safest, and just about healthiest in the nation. Public schools here are great, in part, to the extent they are integral to the community running them. The connection a school has to its community makes it unique, and Vermont-NEA does not want the state to do anything unnecessary that weakens that connection.

In this memo, to be attached to the Department's report to the Legislature, we provide the abbreviated recommendations we have and have had regarding the future governance of Vermont public schools. As you know, we have provided similar thoughts and recommendations over the past decade.¹ **In short, we do not oppose changing the governance of school districts, but we do not believe attempting to impose that change from "Montpelier" will succeed.**

Generally. Vermont-NEA does not oppose changes in the governance of school districts. We agree with the general conclusion of virtually any deep examination of the issue over the decades: it would be more "efficient" if the number of governance units were shrunk (into what amounts to pre-K – 12 systems). We do not, however, believe shrinking the number of governance units would, in substantial ways, either reduce administrative costs or improve the quality of our children's education. We also believe imposed governance consolidation has largely bad implications for community development and economic development. To our knowledge, no one has studied any of the assumptions pro or con: the effects on costs, quality, community development, or economic development. Before disrupting the unique and historic relationship of our communities and their schools, we ought to go beyond hunches and be certain of the reasons for doing so.

Built-in community involvement: the envy of other states. While some Vermonters cringe at our "quaint" number of school districts and school boards and school board members, people from other states look with amazement and envy at how easy and close the relationship of our communities to their schools is. We should attempt, anyway, to determine the actual value of that current and historic relationship on both the quality of

¹ I am appending the outline of the testimony provided the House Education Committee this past winter, since it contains most of our thoughts about this issue. I am also appending the editorial by Marty Strange regarding the "random survey" you commissioned, since it provides an important perspective regarding actual public opinion.

our school system(s) and the quality of our communities before deciding we "can't afford it." We believe this close relationship and other features (some are at least mentioned in the attachment) explain why local communities resist being led, forced, or cajoled into changing how they should relate formally and informally to their schools.

With that said, we have 4 recommendations:

1. Support community culture. We believe attempts to change school governance will succeed only to the extent the state actually supports local community culture. If the state believes greater collaboration locally would result in efficiencies,² it should encourage, even mandate, that discussions occur on a supervisory union level, but it should stop short of trying to usurp local community decision-making.

Examples. The example we always cite – conducting labor negotiations at the supervisory union level, while retaining decisions about contracts at the local level – is just one of any number of issues that can be discussed locally without intruding into local decision-making. We believe there is value in requiring local district decision-makers to interact with their neighbors. In so doing, they can, and often do, find common ground and bases for more formal collaborations that contribute to the efficiency and quality of our schools without the state directing them.

There are other examples that could be tried. A useful starting place is the statute that sets out the duties of the supervisory union board (16 V.S.A. §261a(8)). There we find "optional" services to be provided member districts. The state could explore requiring focused discussion among member districts of the items listed there (Act 82 addresses negotiations already), while retaining ultimate decision-making authority in the districts.

2. Simplify the existing change process. Without question, the current statutory process for districts to merge into union districts (16 V.S.A. §706 et seq.) is complex, and it can certainly, therefore, be usefully simplified for those communities deciding they want to go that route. The Governance Council produced recommendations to do so already, but they have yet to be considered directly.

3. Provide more employee security. We have a lot of experience around the state with local groups of educators in districts considering governance changes. Local educators have had a great deal of influence on local governance discussions (Look, for example, at how important educator support was in the successful effort to create the Rivendell interstate district). For them to feel secure enough to consider the proposed changes entirely on educational merit, our statutes should be amended to provide school employees a greater measure of protection during governance transitions (as is found now only in the transition to unified union status in §723). We can help provide useful proposed language.

² The state might also want to examine the actual effects of school district consolidation in other states before concluding there is much to be saved if Vermont went that route.

4. Reflect local attitudes accurately. We want locally driven governance efforts to succeed. We believe those efforts are harmed by dismissive or inaccurate viewpoints from your office or other state officials. You are aware of our discontent with the approach taken in your "white paper" and subsequently. We believed the issuance of the white paper, while it appeared to jump-start the in-state discussion, actually would become an obstacle to some successful local governance decisions. We believe that has happened. We also believe your easy dismissal of the perspective of the nearly 900 Vermonters you solicited to public meetings around the state (they're somehow self-interested because they were largely school people) also set the cause of successful local governance change back. And, the flawed "public survey" you produced to demonstrate the purported "real" views of Vermonters compounded that error.

In sum, if the state or some people in official position believe imposing change on the governance structure of Vermont schools would be somehow beneficial to the state, we ought to conduct a careful study of the reasons offered before simply proceeding. Otherwise, we should focus locally on the issue: the state should support local community culture, simplify the formal process of change, and enable educators to support local efforts without undue concern for their careers. In all circumstances, state officials should acknowledge in their public statements about the issue the legitimacy of the viewpoints of local Vermonters who are involved in and care deeply about their public schools.

MEMORANDUM

TO: House Education Committee

FROM: Joel D. Cook, Executive Director/General Counsel, Vermont-NEA

DATE: February 7, 2007

SUBJECT: School governance in Vermont – one approach to analyzing it

FOR STARTERS

A starting question: What are the (overlapping) characteristics of a well-functioning statewide system of public schools for Vermont?

- Does our system enable all our children to learn and perform their best?
- Is our public school system set up in a way to attract high caliber people to work in it?
- Is our system set up in a way that is adequately efficient?
- Does our system reflect our communities', as well as the State's, values?
- Does our system acknowledge the link between educational quality and the closeness of a community and its school(s)?

A starting point: We're not, say, Baltimore, MD. Baltimore, with more students than Vermont, has about half the number of schools, is one school district, rather than 285, and it has one administrative and governance structure. But it covers 81 square miles, rather than 9250.

WHAT WE'VE GOT

Do supervisory unions perform their functions well? The basic ones are:

- Set policy to coordinate curriculum plans among its sending and receiving schools
- Receive and distribute funds in accordance with an approved plan
- Provide for establishment of written policy on professional development of teachers
- Provide or coordinate special education and compensatory services
- Provide/coordinate various administrative services

How much community involvement? A balance of "good" and "efficient"

- Structural. >1400 locally elected officials ensure active involvement in life of our schools.
- "Inefficient" schools. Should the State "allow" them to operate?

SIZE MATTERS

Small schools – context: numbers, culture, and cost. About 20% of our districts (includes some tuitioning and some school towns) have <100 students. Schools with <100 students have about 4000 students. Students from small districts are educated at well below average per equalized pupil education spending (\$8275 v. state average of \$9582 in FY 06) (Source: *Vermont Department of Education Finance Report: Classifying Town Districts by Size and Type of Education Offered: FY 2006*).

How much time on a bus is too much? Geography, distance, and time count in the daily life of our children.

Optimal numbers: Is there an optimal range in the number of students who should populate distinct pre-K – 12 school systems (as well as schools)?

- Current supervisory unions range from below 400 to above 4000.
- Current pre-K – 12 school systems range between 1 and more than 12 school boards.
- Breadth of learning opportunities
- Research on optimal size for learning

Taking care of tuitioning towns: Changing the governance structure could swallow them.

LEADERSHIP MATTERS

Whose job is it? Is there confusion – as opposed to variety – among the roles of school boards, superintendents, and principals?

Can the job(s) be done?

- School boards are voluntary and, therefore, unpaid.
- Some superintendents have a dozen or more masters to whom to respond.
- Can principals be expected to do more?
- Is compensation for school leaders adequate to attract and retain high caliber leaders across the system?
- How much coordination do we need? Curriculum, special education, business.
- How does this all relate to proposals that would reduce the number of governing units?

WHO GETS TO DECIDE MATTERS

Is Vermont special?

- What is the proper role here of the State with respect to local community governance?
- Is the importance of community involvement overstated? Understated?

Uniformity: Is there a model approach statewide to governance? If so, to what extent and under what circumstances should all communities adopt it?

ESEA – tail or dog? To what extent should Vermont comply with federal mandates?

The Commissioner's "White Paper"

Redux. It is almost exactly the 1987 proposal made during the Kunin Administration. That proposal was similar to the several others before it. They all failed.

What circumstances are significantly different this time around?

- Is it school costs?
- Is it declining numbers of school aged Vermonters?
- Is it 30 community meetings?
- Is it leadership?
- Is it anything else?

The essential problem: People "studying" this issue almost always reach about the same logical conclusion, but they must all be missing something, because the idea just hasn't taken. Advocates say, "Just do it." What is it we're all missing?

- It may just be local distaste for "change."
- It may involve local distaste for "one another."
- It may be local blended tax obligations.
- It may be that many communities actually prefer the way things are.
- It may also be something else.

Add the interplay of relative population, the Constitution, and trust

- Population: "Consolidation" discussions that have failed have typically involved communities of significantly different populations, while those that have succeeded involved communities of similar populations. Does this tell us anything?
- The Constitution: Appropriately requires adherence to "one person one vote."
- Trust: Small towns need, but do not have, assurance their interests won't be disregarded.

A recent example: Addison Northwest

Population differences meant governance differences:

Towns with schools:

- Addison – about 1450 residents → 2 Board members
[had highest current tax rate – actually would have gone down slightly]
- Ferrisburgh – about 2700 residents → 4 Board members
- Vergennes – about 2750 residents → 4 Board members

Towns with no schools:

- Panton – about 700 residents – 1 Board member no school
- Waltham – about 500 residents – 1 Board member no school

Addison residents, in particular, were not convinced, among other things, "their" school would not be closed by the greater forces and voices of other participants. That may change. Addison Northwest already performs several functions on an SU-wide basis.

Other examples: past

Barre City and Town School Districts merged a decade or so ago:

- Barre City – about 9000 residents
- Barre Town - about 8000 residents

Jay and Westfield entered a joint contract about 15 years ago:

- Jay – about 480 residents
- Westfield – about 525 residents

Rivendell, in which 3 Vermont (and 1 New Hampshire) communities merged about 5 years ago

- Fairlee about 1000 residents
- Strafford about 1100 residents
- Vershire about 650 residents

Other examples: pending

Rutland South

- Clarendon – about 2900 residents
- Shrewsbury – about 1140 residents
- Wallingford – about 2300 residents

Chittenden Central/Essex

- Essex Jct – about 9500 residents
- Essex Town – about 9500 residents
- Westford – about 2100 residents

Suggestions

*[**Caveat.** It will be easy to conclude, because we don't think wholesale district consolidation is widely acceptable to Vermonters, that we oppose district consolidation. That is not true.]*

Move incrementally for efficiency. If "big change" isn't viable, don't miss the opportunity to do small things. Every time the big issue is the focus, smaller, doable, useful things get overlooked, and then, when everything falls apart, the "small" opportunities go with it. Small opportunities adopted may lead to bigger ones later.

Facilitate, don't (even try to) force.

- Accept that changes in the meaning of "community" have to evolve to make full district consolidation acceptable. And that can't easily happen from "Montpelier."
- Make forming unified union districts easier, but don't expect that to change outcomes.
- Have communities assess political viability of merger before undertaking the project.
- Induce greater collaboration from SU level within current structure, but don't try to have tails wag the dog. For example:
 - Consider ways to insulate superintendents from having to respond always to multiple masters.
 - Have labor negotiations occur at the supervisory union level, but leave capacity for local variations in hands of local boards and employee associations.
 - Provide for smooth, non-disruptive transitions.

Examine the "consolidation" experiences of other states regarding cost and quality:

- West Virginia (past)
- Arkansas (recent)
- Maine (pending)

Education Department touting phony poll

July 4, 2007, Rutland Herald

By MARTY STRANGE

The Vermont Department of Education recently released results of a public opinion survey testing the popularity of Commissioner Richard Cate's proposal to consolidate school districts.

The survey methodology met the primary test for a political opinion poll — it produced results favorable to the position of those who commissioned it.

The results were enthusiastically announced by the department because they were decidedly different from the results of 30 public meetings around the state, also sponsored by the department. People at these meetings, the department admits, favor keeping the current system over the commissioner's proposal to centralize.

According to the department, that was because about half of the 882 individuals who showed up are school board members. By contrast, the survey sample was described as "random" and, by implication, representative of all Vermonters.

It is not.

It is not clear from the news release or the full survey report just who was surveyed, but it is very clear that the responses were not random. A national data service provided 4,000 names and addresses. These people were simply mailed a survey form and invited to respond. Only 301 did.

So the survey results consist of responses from people who decided to respond. This is called a "self-selection" response, and whether the invitation list was randomly selected or not, the responses are motivated, not random. These 301 are no more statistically representative of any larger group than are the 882 people who showed up at public meetings to which everyone was invited.

There are other sampling issues with this survey. In an attempt to make the survey a random survey of households, the survey architects required the national data service that drew the sample to include no more than one person from each household in the final sample. That gives each household an equal chance of selection.

The problem is that households do not have opinions. Individuals have opinions, and within households, these opinions sometimes vary. And that means that not everyone in the population (or on the voter lists) had an equal chance of being selected.

It also means the sample over-represents people who live in one-person households (who are never thrown out, if selected) and under-represents people in households with more than one person (who will be thrown out if someone else in their household has already been selected).

In and of itself, these faults do not mean the data gathered is useless. It just means it cannot be described as representative of anything other than the opinions of 301 people who decided to share their views on school governance.

But there are other factors that call even that use of the data into question.

Those surveyed were provided "information" the report claims made them "more knowledgeable" than the general public.

The information was prepared by the department whose commissioner has taken a position on the issue being surveyed. The information included graphic representation of the commissioner's proposal and of the current school governance system.

These charts were plainly designed to make the current system appear complex and unwieldy and the commissioner's proposal simple and streamlined.

The narrative provided also included patently biased statements describing the current system as producing "differing priorities" of school boards and "very different outcomes for the students" while suggesting that under the proposed system "policy direction is generally clearer."

This information does not make the respondents any more knowledgeable about anything other than Commissioner Cate's point of view. Saying it does is akin to saying that juries would bring better verdicts if they retired to decide the case immediately after hearing the prosecution's opening statement.

The respondents might have been provided the perspective of the supporters of the current system who say its complexity is a function of its deep democratic design, while the streamlined look of the commissioner's proposal reflects the administrative power of a centralized bureaucracy. That point of view was not provided.

Finally, the report wrongly discounts school board members and school employees who responded to the survey, saying they are less favorable than others to Cate's proposal because they have a "vested interest" in the current system. But nothing in the survey provides any basis whatsoever for describing the motive of any respondents.

It is plausible that this group has a lower opinion of Cate's proposal than other respondents only because they are better informed. It is also plausible that they responded at a higher rate than did others in the sample because as elected officials and school employees they have an official and professional duty to care about education that others in the general public do not have.

This survey is nothing but a classic "push poll," designed to influence voter opinion, not to measure it. It influences opinion directly by giving respondents one-sided information before they answer the survey questions, and indirectly by misrepresenting the results as scientifically representative of the point of view of the general public. This is not the kind of service we need from the Vermont Department of Education.

Marty Strange of Randolph is policy director of the Rural School and Community Trust.

